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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,359	09/24/2001	Yeong Jong Shin	K-262	6347
34610	7590	10/27/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			GELIN, JEAN ALLAND	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 10/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/960,359

Applicant(s)

SHIN, YEONG JONG

Examiner

Jean A. Gelin

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 September 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-29.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☒ Other: See attached.

DETAILED ACTION

1. This Office action is in response to the Applicant's amendment and arguments filed September 28, 2006 in which claims 6, 7, 20, and 21-23 have been amended, claim 26 has been canceled, and claim 27 has been added. Claims 1-25, and 27 are currently pending.

Response to Arguments

2. Applicant's arguments filed 9/28/06 have been fully considered but they are not persuasive.

As per claims 1 and 14, the Applicant argues in substance that Alperovich does show that the claimed invention is related two path of communications. However, Alperovich teaches the digital image is sent in one path (internet), and voice or data call setup request is sent over another path (cellular network, col. 3, lines 39-43).

The Applicant argues that Alperovich does teach transferring bearer information and real time video data through the control path and the path bearer, respectively. However, Alperovich teaches the transferring digital image in one path, and voice, data or short message in the other path, and the call setup request is associated with the digital image (col. 3, lines 39-43, and cols. 5-6). Therefore, Alperovich teaches the claimed feature recited above.

The Applicant argues in substance that the Office Action states that the real time video data is transferred through a set up bearer path without using traffic resources of MSC while Alperovich relates to a procedure for setting up a call connection by routing

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between MSCs of different networks. For example, Alperovich discloses transmitting a digital image through the Internet as well as setting up a call using a circuit switch connection. It appears that the Applicant wants to say that Alperovich uses the MSC in the transferred of digital image while the MSC is not used in the claimed invention. The Applicant disagrees with the preceding assertion. Paragraph 21 of the current application shows the necessity of the MSC to control call of the origination BSC and termination BSC. In addition, the Examiner recites in the rejection above that Friman teaches that two BSCs are directly connected to each other. (Applicant is reminded that MSC can support more one BSC). Given that the originating mobile station and the terminating mobile station can be connected with different BSC controlled by a single MSC, as shown in fig. 2 of Friman, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to implement the technique of Friman within the system of Alperovich in order to simplify the system and reduce the cost of transmission of digital image from a mobile to another mobile. Therefore, the rejection is maintained.

The Applicant further argues that Alperovich does teach a router in direct connection with two BSCs. However, Alperovich teaches a HLR (corresponding to router) for routing information for the called mobile station. As explained above, the MSC can support two BSCs, and it is known that the HLR can be attached to the MSC as a single unit. Therefore, the claimed limitation is rejected for the reasons recited above.

The Applicant recites similar reasons as set forth in the arguments of claims 1 and 14 why claims 20 and 21 should be allowable. However, the examiner explains in

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the paragraph above how the claimed limitations are interpreted and rejected by Alperovich and Friman. Therefore, the previous rejections are maintained.

Conclusion

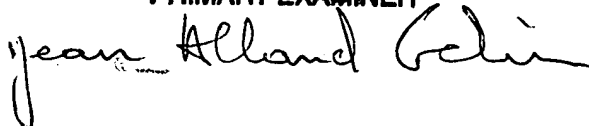
3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean A. Gelin whose telephone number is (571) 272-7842. The examiner can normally be reached on 9:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGelin
October 18, 2006

**JEAN GELIN
PRIMARY EXAMINER**

A handwritten signature in cursive script, appearing to read "Jean A. Gelin", is written over the printed name and title.